

# Patton Henry

for Kentucky

P.O. Box 1371  
Frankfort, Kentucky 40602-1371

Phone 502-695-3599  
FAX 502-695-4740

K.R.E.F.

99-008

Honorable Donald Cox, Chairman  
May, 25 1999  
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William H. May, III, Legal Counsel  
Patton-Henry for Kentucky Committee  
P.O. Box 1371  
Frankfort, Kentucky, 40602

Honorable Donald L. Cox, Chairman  
Kentucky Registry of Election Finance  
140 Walnut Street  
Frankfort, Kentucky 40601

**Re: Request for Advisory Opinion**

Dear Mr. Cox:

On January 25, 1999, the Patton-Henry for Kentucky Committee ("Committee") was established in conjunction with the filing of the Notification and Declaration of Paul E. Patton and Steve Henry for nomination to the offices of Governor and Lieutenant Governor. Also at this time the slate filed its Statement of Intent to Accept Transfers from the Election Campaign Fund and thereby subject itself to the campaign expenditure limitations established in KRS 121A.030. The following questions involve fund raising activities by the Committee in excess of the maximum threshold qualifying amount as provided in KRS 121A.060(1) and are posed in light of the Registry's 1995 adoption of emergency regulation 32 KAR 1:150E.

1. If in the 1999 General election the slate of candidates receiving the Republican nomination for Governor and Lieutenant Governor does not raise the minimum threshold qualifying amount as provided in 121A.060(1), may the Patton-Henry Committee raise and spend in excess of the maximum threshold qualifying amount as provided in KRS 121A.060(1), so long as the Committee does not raise or spend in excess of the expenditure limitation provided in KRS 121A.030(1)?

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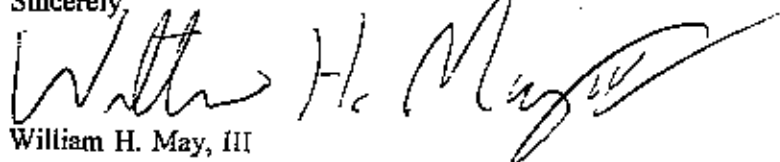
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2. If the answer above is yes and the Committee proceeds to accept contributions in excess of the maximum threshold qualifying amount and if during the course of the general election the opposing slate does receive contributions at least equal to the minimum qualifying amount, would the Committee then be required to return contributions in excess of the maximum qualifying amount to the contributors?

We look forward to receiving your Advisory Opinion.

Sincerely,



William H. May, III